

VZCZCXRO4186
PP RUEHBC RUEHDE RUEHIHL RUEHKUK
DE RUEHGB #0392/01 0411521
ZNY CCCCC ZZH
P 101521Z FEB 08
FM AMEMBASSY BAGHDAD
TO RUEHC/SECSTATE WASHDC PRIORITY 5665
INFO RUCNRAQ/IRAQ COLLECTIVE PRIORITY
RHMFISS/HQ USCENCOM MACDILL AFB FL PRIORITY
RHMFISS/HQ USEUCOM VAIHINGEN GE PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 000392

SIPDIS

SIPDIS

REL AUS, CAN, GBR, NLD

E.O. 12958: DECL: 02/10/2018

TAGS: [PGOV](#) [PTER](#) [KJUS](#) [IZ](#)

SUBJECT: NINEWA: BAGHDAD JUDGES COMPLETE ANOTHER SUCCESSFUL
PANEL TRYING TERRORISM CASES IN MOSUL

REF: 07 BAGHDAD 3572

Classified By: NINEWA PRT LEADER JASON HYLAND: 1.4 (B) AND (D)

This is a Ninewa Provincial Reconstruction Team (PRT) message.

¶1. (SBU) Summary: The Ninewa Major Crimes Court (MCC), which tries the most difficult terrorism and corruption cases, completed another successful panel in Mosul. With strong support from the PRT, 3rd Armored Cavalry Regiment and 1st Armored Division, senior Baghdad judges returned January 22 to Mosul and set to work on the most difficult cases, trying 28 cases charging 31 individuals with 37 separate crimes in seven days of trials, including the sensitive corruption trial of the former Ninewa Provincial Council Chairman Issa. A combined team that included Embassy Baghdad's Justice Attach and Rule of Law Section worked hard to assure the January panel made it to Mosul. End Summary.

¶2. (S/REL ACGU) While the overall justice system in Ninewa functions more or less effectively, the traveling judges program again proved itself the only way to have effective adjudication of the most high-risk cases. Because of specific threats against the judges, the judges insisted they would only come to Mosul if they could lodge at the PRT and use Coalition Force movement assets to the court. They had previously stayed at a housing compound next to the Provincial Governor's Residence, but feared even there they might not be safe. While we believe the compound is very safe, we were determined to overcome their concerns. With PRT hospitality and outstanding support from the 3rd Armored Cavalry Regiment and 1st Armored Division, the judges were able to carry out their work safely and with little interruption. (Note: PRT even converted one room into a temporary "law study" so the judges could prepare their cases without interruption.)

¶3. (SBU) This success highlights the pressing need to continue the program and to move ahead with plans for a secure judicial complex where MCC judges and their families can be insulated from the pressures and threats inherent in trying terrorism and corruption cases.

Background

¶4. (C/REL ACGU) After the last traveling trial panel concluded in August 2007, Chief Justice (CJ) Medhat appointed local judges to take on the responsibilities of the MCC on the theory that the security situation in Mosul had improved enough to resume local control. Whether out of fear of terrorist attack or sympathy with the terrorists and the former regime, or a combination, the MCC came to a standstill. The Iraqi law enforcement community in Ninewa

repeatedly told the PRT that justice was not being served.

15. (S/REL ACGU) In response to strong complaints of a broken MCC, from both Iraqis and Coalition, CJ Medhat sent an investigative commission to Mosul at the end of November. The commission's report severely criticized the conduct of the local judges, and the commission informally told the PRT upon the conclusion of their investigation that the local judges were compromised.

16. (C/REL ACGU) By January, it was clear resuming the traveling judges program was the only way to achieve justice for the most serious crimes committed in Ninewa. In December CJ Medhat issued an order to send another panel from Baghdad to Mosul. The judges set to work immediately upon their arrival on January 22. Trials began on January 23 and continued for seven days while 31 defendants were tried, resulting in: 10 acquittals; 5 death sentences; 10 life sentences (30 years or more); and 12 sentences to terms of years. One critical high profile case resulted in 4 convictions and 8 year sentences for both a member of the Provincial Council and former Council Chairman Issa. The visiting judges (strictly protect) privately confirmed to the PRT that several of the local judges expressed support for the prior regime and opposition to the new penalty schedule for acts of terrorism and other major crimes.

Comment

17. (C/REL ACGU) Mosul MCC will continue to need these traveling judges to ensure corruption and terrorist intimidation do not prevent the adjudication of the hundreds of terrorism cases which still need to be prepared for future

BAGHDAD 00000392 002 OF 002

trial. At the same time, we are exploring options that will strengthen the rule of law in Ninewa, one of Iraq's most strategic provinces, and particularly Mosul, where terrorists remain entrenched. These options include:

-- Cleaning House Locally: There is a consensus among informed observers, both Iraqi and American, that the local judicial system is in desperate need of reform so that Baghdad will not need to send its own judges to handle the tough cases. CJ Medhat is very methodical in his approach to reform; we believe that the continuing stream of negative reports from Mosul - including from the latest panel - could open the way for renewed advice to the Chief Justice that it is time to start cleaning house more thoroughly. He has already taken the step of putting in place new Investigative Judges in Mosul; the latest trial panel said their work was a marked improvement over that of their predecessors. Getting the Chief Justice to proceed on a steady reform path to a new local court would be a tremendous benefit to the rule of law here.

-- Circuit Riding: The local MCC Panel has expressed an interest in participating in a program in which judges would go to Baghdad to backfill for a traveling panel from Baghdad or other Provinces. This approach would build nationwide judicial capacity by putting Ninewa judges in a situation where they could practice without fear for their and their families' lives; gain a national perspective of the role of Major Crimes Court in the future of Iraq; and simultaneously allow the backlog of cases in Ninewa to be cleared.

-- Security for the Judicial System: The PRT is working with our military and Iraqi colleagues to solve the judicial security dilemma, but for the foreseeable future, judges from Baghdad are the only way ahead. A secure judicial compound providing a secure environment to the judges and their families will be necessary until the security situation significantly improves. In the meantime, the judges toured several unused buildings on an Iraqi Army Base adjacent to the Coalition base in Mosul, which might be an excellent

short-term site for the traveling judges, or even local judges, but many details still need to be worked out. We will continue to press for improved security conditions for local judges, even as we seek reform.

18. (SBU) The bottom-line is that the traveling judge program is still alive and taking on the toughest cases in Ninewa. We will continue to work hard for a variety of fixes, both short- and long-term, which will improve rule of law for citizens who desperately seek it. CJ Medhat told Justice Attach this week that he intends to send another group of judges from Baghdad to Mosul when additional cases are ready for trial.

CROCKER